



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, February 10, 2014, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:07 p.m.

The following were present:

- Mayor Xavier M. Garcia
- Vice Mayor Billy Bain
- Councilman Michael Windrem
- Councilman George V. Lob
- Councilman Jaime A. Petralanda

Also Present:

- City Manager Ronald K. Gorland
- Assistant City Manager/Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Recreation Director Omar L. Luna
- Building & Code Compliance Director H. "Tex" Ziadie
- Public Works Director Thomas Nash
- Professional Services Supervisor Tammy L. Romero
- Acting City Clerk Suzanne S. Hitaffer
- Assistant City Clerk Elora R. Sakal

2. Invocation: Offered by Councilman Lob

Salute to the Flag: Students from All Angels Academy will lead the audience in the Pledge of Allegiance and Salute to the Flag

The Mayor presented baseball caps to the students who participated in the salute to the flag.

3. Awards & Presentations:

3A) Proclamation – "Raul Miro Day"

Posthumously, Mayor Garcia proclaimed February 10, 2014 as "Raul Miro Day" for his aviation and military background and dedication as a volunteer coach and contributor to youth sports.

Steven Miro accepted the proclamation on behalf of his father who passed away on December 9, 2010. He thanked Council and the City Clerk for taking the time to acknowledge his father.

4. Open Forum:

Ordinance Changes

Donna Hernandez of 769 Pinecrest Drive spoke about public disclosure and technology means of notifying the public about ordinance changes. She emphasized the importance of transparency and open government.

City Attorney Seiden explained that when an ordinance is changed the old language is stricken through and new language that is added to the ordinance is underlined.

449 Swallow Drive

Beatrix Obermann of 449 Swallow Drive requested that she receive back the documents she submitted to the city.

5. Approval of Council Minutes: (5A, 5B and 5C were approved with one motion)

5A) 01-13-2014 – Regular Meeting

Minutes of the January 13, 2014 Regular Meeting were approved as written.

Vice Mayor Bain moved the item. Councilman Windrem seconded the motion which was carried 5-0 on roll call vote.

5B) 01-15-2014 – Workshop Meeting

Minutes of the January 15, 2014 Workshop Meeting were approved as written.

Vice Mayor Bain moved the item. Councilman Windrem seconded the motion which was carried 5-0 on roll call vote.

5C) 01-27-2014 – Regular Meeting

Minutes of the January 27, 2014 Regular Meeting were approved as written.

Vice Mayor Bain moved the item. Councilman Windrem seconded the motion which was carried 5-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 11-07-2013 – General Employees Retirement System – Minutes

Minutes of the November 7, 2013 General Employees Retirement System meeting were received for information without comment.

6B) 11-07-2013 – Police & Firefighters Retirement System - Minutes

Minutes of the November 7, 2013 Police & Firefighters Retirement System were received for information without comment.

6C) 02-03-2014 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the February 2, 2014 Zoning and Planning Board meeting was received for information without comment.

6D) 02-04-2014 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the February 4, 2014 Code Enforcement Board meeting was received for information without comment.

6E) 02-03-2014 – Board of Adjustment – Approval of Actions Taken at their Meeting of February 3, 2014, Subject to the 10-day Appeal Period

Actions of the Board of Adjustment taken at their meeting of February 3, 2014 were approved, subject to the 10-day appeal period.

Councilman Lob moved the item. Councilman Petralanda seconded the motion which was carried 5-0 on roll call vote.

City Attorney Jan K. Seiden stated that Case # 03-V-14 was appealed that could be heard by Council, sitting as the Board of Appeals, during the February 24, 2014 Regular Meeting.

7. Public Hearings: None

8. Consent Agenda:

(Agenda items 8A 1-5 were pulled from the consent agenda).

8A) Curtiss Parkway Crosswalk Enhancement Project to Enhance Driver Awareness and Provide a Pedestrian Friendly Path to and From the Designated Transit and Shuttle Services; this project is entirely funded by CITT funds, however it is broken down into several vendors as follows:

8A 1. Recommendation that Council Award a Bid to Computer Electric, Utilizing the Current City of Miami Springs Contract in the Amount of \$17,435.00, for Labor and Small Components for the Electrical Installation Portion of Curtiss Parkway Crosswalk Enhancement Project, Pursuant to Section 31.11 (E)(1) of the City Code

8A 2. Recommendation that Council Approve an Expenditure of \$47,250.00, to AGC Electric Inc. a sole distributor of Stop Experts, Inc. for the Ornamental Walkway Lights, for the Curtiss Parkway Crosswalk Enhancement Project, as a Sole Source Provider, Pursuant to Section 31.11 (E)(6)(c) of the City Code

8A 3. Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$1,330.41, to National Traffic Signs for small Electrical Parts needed for the Curtiss Parkway Crosswalk Enhancement Project, Pursuant to Section 31.11 (E)(6)(g) of the City Code.

8A 4. Recommendation that Council award a bid to Wrangler Construction, utilizing Miami Dade County RPQ #20130171 in the amount of \$13,540.00, for new concrete curbs and slabs for the Curtiss Parkway Crosswalk Enhancement Project, pursuant to Section 31.11 (E)(5) of the City Code

8A 5. Recommendation that Council Award a Bid to Highway Striping, Inc., Utilizing Miami Dade County RPQ #20120101 in the Amount of \$9,500.00, for Restriping & Lane Markings as Designed by Miami Dade Traffic Engineers for the Curtiss Parkway Crosswalk Enhancement Project, Pursuant to Section 31.11 (E)(5) of the City Code

To answer Mayor Garcia's question, Public Works Director Nash stated that the section of roadway that the crosswalk falls under is not under County right of way; it is under the City of Miami Springs.

Councilman Lob moved to approve 8A 1-5. Councilman Petralanda seconded the motion.

Vice Mayor Bain feels that it is a large amount of funds and it could be used more efficiently.

City Manager Gorland said that it is a particularly dangerous crosswalk. There is still approximately \$100,000 left to be used after this for this year. He strongly recommends that Council approve this item.

Councilman Lob stated that he would love to use the funds for sidewalks but the last time the City tried to use the funds for sidewalks it was not allowed.

Public Works Director Nash explained that there were some changes recently where the funding now allows for open sidewalks. He clarified that all of the sidewalk repairs are being funded from the CITT funds.

Mayor Garcia would like for someone to reach out to the business owners to advise them of the work that will be done in that area.

Jose Savino of 90 Cherokee Street wanted to know if there was a traffic pilot project for the City and Mayor Garcia said that there has not been a change in the City's traffic pattern in a very long time because the dynamic of the City has not changed. This change is simply for cross walking purposes. He encouraged Mr. Savino to speak with Public Works Director Nash to get the information he may be looking for.

The motion was carried 5-0 on roll call vote.

8B) Approval of City Attorney's Invoice for January 2014 in the amount of \$14,870.25, as Funds were Approved in the FY 13/14 Budget

There was no discussion regarding this item.

Councilman Windrem moved the item. Vice Mayor Bain seconded the motion which was carried 5-0 on roll call vote.

8C) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$15,000.00, on an "as needed basis" to Atkins for Additional Services for the Mokena Drive Drainage Improvements Project "for Fiscal Year 2013-2014", Pursuant to Section §31.11(E)(6)(g) of the City Code

There was no discussion regarding this item.

Councilman Windrem moved the item. Vice Mayor Bain seconded the motion which was carried 5-0 on roll call vote.

9. Old Business:

9A) Appointments to Advisory Boards by the Mayor and Council Members

There were no appointments to advisory boards.

9B) Recommendation to Approve an Extension of Suzanne Hitaffer's Special Administrative Appointment as an Acting City Clerk from February 13, 2014 Until April 1, 2014, Per Section 34-14 (E) (d) of the Civil Service Code of Ordinance

City Manager Gorland read the title of the recommendation.

Vice Mayor Bain moved the item. Councilman Windrem seconded the motion which was carried 5-0 on roll call vote.

9C) Approval of Voting Procedures for the April 8, 2014 Special Election Regarding the Sale of the Golf Course Property to Manuel Perez-Vichot, Springs on the Green LLC

City Manager Gorland read the title of the agenda item. He said that the City Attorney and Staff had been working very closely with Mr. Perez-Vichot and were available to answer questions.

City Attorney Seiden stated that the Acting City Clerk, as the Supervisor of Elections, received questions about how the special election should be run. He said that because the election is being paid for by the applicant, Mr. Perez-Vichot, he submitted the responses, and to make it official the matter was placed on the agenda for Council review.

Councilman Petralanda recalled that at the last meeting he raised a question about the zoning change and the City Attorney was going to insert the new zoning into the question, but it was left out. He asked Acting City Clerk Hitaffer if she looked at the minutes of that meeting and she replied "no".

City Attorney Seiden clarified that the ballot question was approved and sent to the County. He added language about the size of the property. The final question that was approved reads, *"Shall the City Council be authorized to sell and rezone 10,299 square feet (less than a quarter of an acre) of golf course property adjacent to the former James Medical Clinic, currently under License Agreement as a parking area to the proposed contract purchasers for \$115,000."*

Attorney Seiden explained that the property is not being rezoned. The reason for the election is because the Charter provision states that the City cannot rezone or sell the golf course property unless it is approved by the voters. If the question passes in the election, then the City will have a rezoning procedure, with an ordinance, public hearings and a Comprehensive Plan process.

Councilman Windrem moved the item. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

10. New Business:

10A) Recommendation that Council Approve an Extension of the Facility Agreement – Jazzercise

City Manager Gorland read the title of the recommendation. He said that the agreement is the same as the current agreement except for the new dates.

Councilman Lob moved the item. Vice Mayor Bain seconded the motion which was carried 5-0 on roll call vote.

10B) Resolution No. 2014-3613 - A Resolution of the City Council of The City of Miami Springs Amending the Current Schedule of Charges For The Use Of City Recreation Facilities and Related Services; Effective Date

City Attorney Jan K. Seiden read the title of the resolution.

Councilman Windrem moved to adopt the resolution. Vice Mayor Bain seconded the motion.

Recreation Director Luna clarified that the field trips are becoming more expensive than they used to be. He is requesting to increase the amount so that the Community Center can continue to provide the same field trips.

Vice Mayor Bain asked if the children could pay for the field trips as they come up and Recreation Director Luna replied that it could be done that way but it would become an issue.

To answer Vice Mayor Bain's question, Recreation Director Luna said that not everyone has to pay this fee but those who do not pay will not be able to attend the field trips.

Mayor Garcia asked Recreation Director Luna to find out when the last time the fee was increased.

The motion was carried 3-2 on roll call vote with Vice Mayor Bain and Councilman Lob casting the dissenting votes.

10C) First Reading - Ordinance No. 1061-2014 - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-015, Parking of Commercial Vehicles In City Limits, to Update And Clarify Which Commercial Vehicles May or May Not Be Parked in the Residential, Multi-Family Residential, Business, and Commercial Zoning Districts of The City; Repealing All Ordinances or Parts Of Ordinances In Conflict; Effective Date

City Attorney Seiden read the title of the ordinance.

Donna Hernandez of 769 Pinecrest Drive stated that she was at the workshop when the commercial vehicles were being discussed. There is a large truck at the corner of the street where the Montessori school is that looks like a moving billboard. She has been trying to have it removed for a year and a half. The ordinance that is currently in place regarding wrapped vehicles is outdated. She does not understand why there are rigid rules on signs but not for wrapped vehicles. She suggested giving residents temporary variances for the wrapped vehicles.

Mr. Jose Savino is in favor with what Ms. Hernandez said. He is concerned that residents will start to run businesses from their homes. He understands that people have their rights and everyone has their own struggles in life but it is ruining the quality of life for the City.

Mayor Garcia advised Mr. Savino that residents are not allowed to run businesses from their home.

City Attorney Seiden explained that this is the second version of the original ordinance. He pointed out that despite the fact of what may be said, the City Attorney is not in charge of ordinances and there is some language that he did not agree with. He reiterated that when an ordinance is changed the old language is stricken through and new language that is added to the ordinance is underlined. As directed, the first section of the new ordinance deals with a definition. This has been in the process for over three years. The first section defines what the approved vehicles were and the approved additions to vehicles.

City Attorney Seiden commented that specially customized vehicles that are used for only social purposes can still be permitted by and within the discretion of the Code Compliance Department upon determination that they have been specially customized and will be parked in the rear or side yard and properly screened from adjacent properties. He discussed the parameters for residential parking variances and daytime and visitation parking.

City Attorney Seiden read the following list of vehicles that are prohibited from parking in single family residential districts. The vehicles are prohibited except during the qualified daytime hours.

- Box trucks
- Equipment carriers
- Trailers/pick-up trucks
- Lunch/food trucks
- Materials/supplies carriers
- Commercial transport vans
- Buses
- Tractor trailers
- Glass/mirror trucks
- Other vehicles clearly designed for commercial use of carriage.
- Other vehicles that present health, safety, or welfare hazards to the City.

City Attorney Seiden stated that these vehicles are prohibited and are not eligible to seek parking approval by variance or any other means.

Mayor Garcia asked if item (2)(a)(3) means that F-150 pick-up trucks are not permitted and City Attorney Seiden said that is an error and should say "tow truck".

City Attorney Seiden said that the next section is for commercial parking in multi-family residential zoning districts. He explained the vehicles that were permitted to park in appropriately striped parking lots in the multi-family residential zoning districts of the City. He also explained what vehicles are prohibited from parking in the multi-family zoning districts.

Mayor Garcia asked if churches were able to park their buses in their parking lot and City Attorney Seiden replied affirmatively.

Ms. Hernandez said that she did not hear if a wrapped vehicle is considered a commercial vehicle or not.

Vice Mayor Bain stated that a wrapped vehicle is permitted if it is under the 10,000 pounds and under 20 feet.

To answer Ms. Hernandez' question, Vice Mayor Bain said that RV's and boats are considered recreational vehicles and if they cannot fit in the rear yard, then by variance they are permitted in the side yard.

Mayor Garcia commented that he does not want to take away from the rest of this ordinance all of the good things that the City is doing and how strict the regulations are now.

Councilman Lob said that if there is a resident who does not like a wrapped vehicle in front of their house they can contact him. Only two people have said something about wrapped vehicles and they are present tonight.

Mayor Garcia said that the large vehicle Ms. Hernandez has an issue with will no longer be allowed to park there anymore. He has spoken to people regarding this issue and they have suggested that the vehicles park in their yard and not in the swale area. If this ordinance were to pass, and in the future Council sees that it should be made stricter, then they can make amendments if they so choose to do so.

Ms. Hernandez commented that no type of sign should be in the swale area.

Vice Mayor Bain stated that he is not in favor of everything that is in this ordinance. In his opinion, this ordinance is a template to start the process and to understand what the City needs to do. There will be many people who will be affected by this ordinance. His belief is to pass it and see how it works.

Vice Mayor Bain appreciates Ms. Hernandez's opinions but he has not had but one call regarding a large truck. Mr. Ziadie has gone through great lengths to prepare this ordinance and to please everyone. He would appreciate it if Ms. Hernandez would give Council a chance to pass the ordinance to see how it will work in the City and if anything occurs then it could be fixed.

Ms. Hernandez said that she guarantees that the ratio of people who are for vehicles with signs and no signs is very one sided.

Mayor Garcia commented that wrapping vehicles is becoming less popular because it is expensive.

Councilman Petralanda asked if residents should be asked to park their wrapped vehicles in their property and not in the swale and Vice Mayor Bain responded that the swale is a public right-of-way.

Mayor Garcia asked City Attorney Seiden if it is legal to restrict residents from parking in the swale and City Attorney Seiden replied that he does not believe it is legal because the swales are designated for the public use.

Councilman Petralanda asked if a resident could park their work vehicle in the swale if they were a tow truck driver and City Attorney Seiden replied "no".

Mr. Savino commented that his neighbor has a large work truck in front of their house and it does not look good. He does not like to see these vehicles everywhere in the City.

Mayor Garcia asked City Attorney Seiden when the ordinance was written and City Attorney Seiden replied that the original ordinance was passed in 1962.

Building and Code Compliance Director Ziadie said that Council had asked him to research the various aspects of the sign ordinance. He has the information completed and he will be giving it to Council in a memo later this week. He looked into nine other communities to determine if they regulated vehicle signage in regard to commercial vehicles or if there was any reference to vehicle wrapping or a percentage, but none of them had anything in their code.

City Attorney Seiden asked if Vice Mayor Bain and Mayor Garcia would like to advertise the ordinance for second reading and they replied "yes".

Discussion ensued with regards to a person not complying with the code. They will be issued a citation and will have seven days to comply. The citation is attached to the property. If a person moves the vehicle and then moves it back it will be a new citation. A person can become a repeat violator after two times of receiving a regular citation and will be given a ticket with no time to comply.

Ms. Hernandez questioned why the citations could not be treated like a parking ticket and City Attorney Seiden replied that it is not the subject that is being dealt with at this time.

Councilman Windrem moved to approve the ordinance on first reading with the changes. Vice Mayor Bain seconded the motion which was carried 5-0 on roll call vote.

10D) First Reading – Ordinance No. 1062-2014 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-030(J) Sign Regulations/Temporary Signs; By Clarifying The Location of Open House and Talking House Signs; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Seiden read the title of the ordinance.

City Attorney Seiden stated that Mr. Ziadie felt that the placement of the signs was being abused and they were being placed everywhere. This provision now explains where the signs can be placed and it will make it more restrictive.

Councilman Lob moved to approve the ordinance on first reading. Councilman Windrem seconded the motion which was carried 4-1 on roll call vote with Vice Mayor Bain casting the dissenting vote.

10E) First Reading – Ordinance No. 1063-2014 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 90-02, Keeping of Animals Prohibited; Exception; By Adding Hereto a Provision Prohibiting the Feeding of Any Animal or Bird on Public Property or Private Property Without Permission; Repealing All Ordinances or Parts of Ordinance In Conflict; Effective Date

City Attorney Seiden read the title of the ordinance and explained the sections that were added.

Laney Silver of 931 Dove Avenue said that she has a big problem with this ordinance. She is the director of Caring about the Strays (C.A.T.S.) and Council will effectively criminalize humane acts in this community. If there are problems then Council needs to deal with them individually and not put an unenforceable law in the code. She questioned how this was going to be enforced.

Linda Callavo of 451 Crescent Drive commented that these stray cats are being dumped into the City. She called the police because someone was dumping cats into the City but the police told her there is no law. However, abandoning an animal, relocating to a public place, or to abandon an animal that has been trapped is a misdemeanor for the first degree punishable by a fine of \$5,000 both by imprisonment and a fine. The enforcement needs to go towards the people who are dumping the cats into the City.

Ms. Hernandez stated that cats get left behind after their owners move away. If they cannot be fed then they cannot be caught and fixed to prevent multiplying.

Charlie Hernandez of 769 Pinecrest Drive commented that he is lending his support to what the three women have stated.

Mayor Garcia said that he does not want people to think that this is an anti-C.A.T.S. issue. He agrees with what Ms. Silver said in regards to this not being an issue with her and her organization, but it may be an issue with people who are not aware of what they are doing or might not be properly caring for the cats.

Mayor Garcia asked Mr. Ziadie if something could be done so that Ms. Silver and her organization could continue providing the services for the community and Mr. Ziadie replied that he spoke with Ms. Silver today and suggested the possibility of putting some type of provision into the ordinance that would allow for not-for-profit organizations to feed strays with the permission of the City and certain stipulations.

Vice Mayor Bain asked how this came about and Mr. Ziadie responded that the Building and Code Compliance Department consistently receives complaints about animal feces. The complaints are probably more towards the ducks than the cats although there have been complaints about stray cats in the past.

To answer Mayor Garcia's question, City Attorney Seiden said that it would probably be best to eliminate this ordinance and keep it the way it is now. He has a serious objection to the City getting into the business of sponsoring or authorizing any type of activity like this by licensing it and he feels that it would be inappropriate for the City to do.

Mayor Garcia said that the City needs to figure out how to stop people who are helping the strays the wrong way and City Attorney Seiden replied that the City could adopt a program that trains people to do the right thing and the program could be licensed based upon a program.

Ms. Silver commented that if there are complaints being made about animals being fed then they could be referred to her organization to try and diffuse the issue.

Vice Mayor Bain moved to deny the ordinance on first reading. Councilman Windrem seconded the motion which was carried 5-0 on roll call vote.

10F) First Reading - Ordinance No. 1064-2014 - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 99-08, Construction Sounds; By Adding Other Prohibited Sounds and Establishing a New Permitted Sound Period; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date

City Attorney Seiden read the title of the ordinance.

City Attorney Seiden explained the changes in Code of Ordinance Section 99-08. The time period was 10:00 p.m. to 7:00 a.m. and it was changed to 30 minutes after sunset and 8:00 a.m. for the operation of construction lawn maintenance equipment.

Vice Mayor Bain moved the item. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

10G) First Reading – Ordinance No. 1065-2014 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 99-02, Operation of Radio, Phonographs, or Other Sound Making Devices or Ensembles, and Section 99-03, Hours of Operation of Sound Making Devices; By Changing the Periods in Which the Sounds and Noises Set Forth in Each Ordinance Are Prohibited; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date

City Attorney Seiden read the title of the ordinance.

City Attorney Seiden explained the changes that were made within the ordinance. He stated that since both provisions deal with exactly the same topic, he included them both within one ordinance.

Attorney Seiden explained that the main point is the change in the hours of operation in Sections 99.02 and 99.03 to between midnight and 8:00 a.m.

Fernando L. Cruz asked for clarification of the hours of operation in both ordinances and City Attorney Seiden stated that the prior ordinance is 30 minutes after sunset to 8:00 a.m. The ordinance for sound making devices is between midnight and 8:00 a.m.

Mr. Cruz expressed his concern about allowing loud music until midnight and also about the type of music and content that might not be appropriate for children.

Donna Hernandez stated that the same regulations that apply to barking dogs should also apply to loud music. She was concerned about allowing loud music until midnight in residential neighborhoods and the type of music that is played within 50-feet of her school with language that is not appropriate for children.

Councilman Petralanda moved not to amend the ordinance and the motion died for lack of a second.

Councilman Petralanda suggested limiting the hours during the week and being more flexible on the weekend.

Councilman Petralanda moved to leave the hours the same during the week and amend the hours for the weekend. Councilman Windrem seconded the motion.

Discussion ensued regarding the restriction of the hours during the week when children are in school and being more flexible on the weekend.

The motion failed 1-4 on roll call vote with Vice Mayor Bain, Councilman Windrem, Councilman Lob and Mayor Garcia casting the dissenting votes.

Mayor Garcia asked if Council would be inclined to make a motion to amend the ordinance by changing the time from midnight to 11:00 p.m.

Vice Mayor Bain moved to approve the ordinance on first reading as written. Councilman Windrem seconded the motion.

Further discussion ensued about protecting children who attend school during the week.

The motion was carried 4-1 on roll call vote with Councilman Petralanda casting the dissenting vote.

10H) First Reading – Ordinance No. 1066-2014 - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-013, Residential Plantings, Fences, And Walls; By Permitting the Installation and Construction of Decorative Gates on Side And Rear Yard Fences and Walls; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date

City Attorney Seiden read the title of the ordinance.

City Attorney Seiden stated that the words “and gates” was added to the Section title and it is followed by the new language allowing decorative gates on side and rear yard fences and walls up to a height of nine-feet, subject to Miami-Dade County product approval and the appropriate wind load engineering data required by Code.

Councilman Lob moved to approve the ordinance on first reading. Councilman Windrem seconded the motion which was carried 5-0 on roll call vote.

10I) First Reading – Ordinance No. 1067-2014 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 93-10, Location, Accessibility, And Appearance of Multi-Family Residential and Commercial Garbage and Recycling Receptacles; By Removing The Provisions Related To Amortized Compliance; Acknowledging Non-Conforming Sites And Providing Safety Regulations; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date

City Attorney Seiden read the title of the ordinance.

City Attorney Seiden stated that he added the phrase “securing for safety” and “dumpsters” to the definition with receptacles. In Section B under applicability, it now reads “the provisions contained herein shall be applicable to all new construction on properties in the City that are zoned for multi-family residential use and all commercially zoned property sites that utilize dumpsters for garbage or recycling collection.” He noted that Section G is repeated and stricken through in its entirety with the old provision being removed and the new provision reading as follows:

(G) “Nonconforming existing multi-family and commercial sites; existing dumpster enclosures

1. Existing multi-family and commercial sites shall be considered to be in non-conformity if the site does not contain an exterior enclosure for garbage and recycling dumpsters or other large receptacle containers.
2. Such sites shall not be required to construction enclosures for their garbage and recycling dumpsters and/or large receptacle containers, so long as such dumpsters and large receptacle containers are safely secured in their present location so as not to pose a threat to any adjacent property.”

Councilman Windrem moved to approve the ordinance on first reading. Vice Mayor Bain seconded the motion which was carried 5-0 on roll call vote.

10J) First Reading – Ordinance No. 1068-2014 - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 93-05, Garbage, Garden Trash, and Rubbish; Placement in Receptacles for Collection and Removal; By Providing Additional Regulations for the Placement of Trash and Recycling Materials by Multi-Family and Commercial Sites Adjacent to City Streets and for the Retrieval of Trash and Recycling Receptacles; Establishing Inapplicability to Alley Pickups and Single Family Residential Zoning Districts of City; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date

City Attorney Seiden read the title of the ordinance.

City Attorney Seiden stated that he added language to the title of Section 93-05 that reads “placement for pick-up and retrieval of containers.” He referred to Sections (D) (E) and (F) that provides for 24 hours instead of 48 hours. He continued to read the new provisions in the ordinance.

Mayor Garcia asked where on the property the containers were to be put back and City Attorney Seiden clarified they are to be taken back to the interior of the property site.

City Attorney Seiden explained that the ordinance does not apply to single family residential; it applies to multi-family residential. He will add the word “residential” after multi-family.

Councilman Windrem moved to approve the ordinance on first reading. Vice Mayor Bain seconded the motion which was carried 5-0 on roll call vote.

(Mayor Garcia called for a 5-minute recess)

10K) ConEdison Presentation and Discussion

City Manager Gorland stated that this presentation and discussion would be led by Doug Henning who is the ConEdison Program Manager who has been working closely with Staff.

City Attorney Jan K. Seiden said that there is a state sponsored program that allows for energy savings by making improvements and one company was suggested to the former City Manager. In the process, it was determined that there were other companies involved in this program and the City solicited for proposals and Council selected ConEdison. One of the reasons they were selected is because there is no default if the City decides not to go forward, while the other company had a \$10,000 penalty.

Doug Henning stated that he is an electrical engineer and he has 10-years military experience on nuclear submarines. He will explain the history of ConEdison, what performance contracting means and what it can do for the City. He has been working very closely with Staff for the past year to put the program together and they arrived at the final recommendation of what Staff feels is best for the City.

Mr. Henning explained that ConEdison Solutions is the oldest utility on the New York Stock Exchange; they have been in business since the 1800's and they generate approximately \$13BB worth of business every year. The company is nationally certified at the highest level for energy service companies and they have the capability to handle LEED building and are an Energy Star service provider. He said that they have \$150MM worth of business in the State of Florida for projects that have already been done.

Performance contracting is better budget utilization of what is already being spent, according to Mr. Henning. They look at what is being spent on energy and what is being spent on operational savings; they identify ways to do it better and the savings are guaranteed and measured every year to see if they are being achieved. There is no carry-over of excess savings and this means if they tell the City that \$100,000 will be saved next year and if this does not happen, they will write the City a check. If the City saves \$120,000, it can keep the extra \$20,000.

Mr. Henning explained that there is no cost to the City or the taxpayer because it is money that is already being spent and it is simply reallocating those funds. In addition to all the improvements, there is typically a little bit of positive cash flow generated. There are no change orders; once they give the price and the savings they have to meet the price.

Mr. Henning said that right now over the next fifteen years the City would be spending roughly \$2MM unless changes are made. They propose taking some of those funds to put into more efficient equipment, building and infrastructure improvements.

Mr. Henning explained the process that began in February 2013. He said that ConEdison was selected in June 2013 for energy performance contracting and they worked until December to arrive at different options and recommendations for implementation. On the initial list there was approximately \$6MM in projects that were identified, including some that were already completed such as the park lighting that was funded through grants and recommendations for the pool that were eliminated because of the plan to build a new pool.

Mr. Henning explained that the final priorities are roughly \$2MM, including City Hall duct work, decorative street lighting and reducing ongoing costs by reducing energy and operational expenses. The total project must be budget neutral and funded completely from savings.

During the last six months an analysis was prepared by gathering and inputting utility data, auditing City buildings and the infrastructure, including lighting surveys, air conditioning surveys, water conservation surveys, logging of building operations, examining miscellaneous electrical loads and working with staff to identify problems. They performed detailed building modeling to analyze the savings potential once all the energy conservation measures are implemented.

Mr. Henning reviewed samples for lighting occupancy measurements in City Hall showing when lights are on and when someone is actually in the room. He concluded that half the time the lights are on when no one is in the room and this can be automated by installing lighting sensors that detect when someone is in the room and automatically shuts lights on or off.

Mr. Henning commented that the City Hall has 75-78% relative humidity, which is almost at saturation and they did an analysis to determine why. This is the level of engineering that they performed and he provided a CD with approximately 500 pages of more detailed engineering.

Mr. Henning stated that anything that does not pay for itself is not in the program, unless they are told it is a priority. The program must provide significant energy or operational savings, address critical infrastructure needs, enhance the infrastructure for the City and its constituents and address code or safety deficiencies.

Mr. Henning provided a summary of the different conservation measures, which was initially a list of thirteen measures that was reduced to ten, including interior lighting, lighting controls and automation, exterior lighting, LED street lighting, City Hall heating and air conditioning, aging equipment, vending misers, sports lighting, solar film at the Senior Center and inactive water accounts.

City Manager Gorland said that interior lighting upgrades also includes the new Community Center lighting that are highly inefficient. The recommendation is to replace them immediately with new energy efficient lighting.

To answer Councilman Lob's question about the lighting at Stafford Park, Mr. Henning said that there are two or three poles that were not finished and installing a controlling program will allow the automation of turning the lights off and on instead of doing it manually.

Mr. Henning explained that the PowerPoint Presentation gives an overview of the project and the Investment Grade Audit shows the numbers for the cost savings and the simple payback. In addition to the Investment Grade Audit, there are more engineering details on the disk that was provided.

Mr. Henning explained the savings involved by changing the interior light fixtures in City Hall, the Community Center, Senior Center, Golf Course and Public Works facility. He continued to review the presentation slides and cost saving measures for street lighting improvements and decorative street lighting on Westward Drive.

In regard to water conservation, Mr. Henning said that the City is doing a good job and they are not recommending this measure. They looked at different options for the City Hall air conditioning system, including a new design and replacing duct work, but the money that would be invested is 40-60% of the building value, which does not make sense. They recommend cleaning all the duct work and air conditioning unit coils and installing a high efficiency infiltration system to improve air quality. He reviewed the energy saving air conditioning measures for the Golf Course and Senior Center.

Mr. Henning stated that the recommended projects total \$1.6MM with a simple payback of thirteen years and the cash flow for the finance term. They can handle the bidding in order to get the best value for the loan or the City could handle that internally.

Mayor Garcia asked about funding through State programs and Mr. Henning replied it is not really funding; the State encourages better utilization of funds that are already being spent.

Mr. Henning explained that they could procure financing. He noted that he presented a proposal to the City of Miami for a loan at 3.25% approximately one week ago.

Discussion ensued regarding operational savings, the cash flow analysis based on financing, with no funding out of pocket expenses for the infrastructure improvements.

To answer the Mayor's question, City Manager Gorland replied that there is no reason to say no to the program except that the City is facing some substantial borrowings coming up, but since this is a payback system it is hard to turn down.

City Manager Gorland asked about the number of energy saving firms that submitted proposals and Professional Services Supervisor Tammy Romero responded that there were ten firms on the state contract list and four or five companies responded to the investment grade audit.

Mayor Garcia asked what would be the next step in order for Council to approve the proposed plan.

City Attorney Seiden replied that Council should review and evaluate the spreadsheet to see if there are any questions. He explained that Council could pick and choose specific projects and if they have any questions they should call Staff. Once Council makes a decision on what projects should be done, the City would enter into an agreement with ConEdison and arrange for financing at the same time.

Mayor Garcia clarified that the financing would be paid from the savings ConEdison is proposing and if the savings is not realized they will pay the City the balance of the promised savings on an annual basis.

City Attorney Seiden said that the savings are evaluated annually and if there is a large shortfall, ConEdison will pay the shortfall.

Mr. Henning explained that if there is a shortfall they would determine what went wrong and make the adjustment. He added that there is almost no risk with lighting because once the wattage is corrected it will not change. He said that there is a 10-15% safety factor built into the cash flow. They do not guarantee utility rate increases.

To answer Councilman Petralanda's question, Mr. Henning assured him that their costs are fixed. He added that in order to have a better cash flow, Council could decide not to finance the decorative light poles because that does not save energy; however, it is an improvement that could be funded through the program.

Mr. Henning explained another cost factor to consider would be the light pole banner arms that cost \$650.00 each and are built into the pole.

City Attorney Seiden said that the City must follow through with the instructions for energy saving measures and if there is a shortfall that is a result of the City's neglect to turn off the lights, ConEdison would not be responsible.

Mr. Henning responded that they are proposing automated lighting so that would minimize the shortfall risk, but if the City decides to increase operations outside of the normal operating hours it would impact the utility bill and they would make an adjustment. Normally this falls within the 10-15% safety factor, but a big change for nighttime activities at the Community Center would make an impact.

Mayor Garcia said that he reviewed the spreadsheet as the City Attorney recommended and he noticed that some projects provide minimal savings, but to do it right they should all be done if there will be a savings.

Mr. Henning said that the projects with a short payback period are well worth the expense and the projects that take longer like the air conditioning should be considered because the equipment is near the end of life and replacing it outside of the program will require capital dollars. The payback on street lighting is approximately six years, not including the poles. Adding the poles will increase the payback to thirteen years.

City Manager Gorland asked out of the total \$1.6MM, how much is related to non-energy reduction like the light poles and Mr. Henning said that in addition to the decorative poles, the air conditioning replacement is a longer payback between 9-22 years.

Mr. Henning said that in order to move forward Council would need to provide a final Energy Conservation Measure (ECM) list and put that into contract form. The City Attorney has already reviewed the terms and conditions of the basic contract.

Mayor Garcia asked about the projected interest rates for loans that the City is considering for other projects and Assistant City Manager/Finance Director Alonso said that quotes were received ranging from 3% to 3.5%.

Councilman Windrem asked if borrowing \$1.6MM would affect the City's available credit limit and Mr. Alonso said that it would not make an impact for this type of payback program.

Vice Mayor Bain asked if the new aquatic facility could be included in the program and Mr. Henning said that since it would not pay for itself it would not fall under the specific State Statute that requires a payback in a certain time period.

Mayor Garcia said that the expertise and knowledge from a company like ConEdison could be beneficial when planning the new pool in order to improve the operational savings.

Mr. Henning commented that they had already conducted a preliminary analysis of the pool, including pumping and control strategies that should be considered during the design phase.

Mayor Garcia emphasized that after the pool design is completed and accepted by the City he would like, if possible, for it to be reviewed by ConEdison to see how the operation could be more economical. He used the Community Center as an example of a project that could have been more energy efficient.

Mr. Henning added that the Community Center gymnasium and theatre have outside air pumped into the rooms, and regardless of the occupancy, outside air is expensive to condition. They are proposing to install CO2 sensors to measure the occupancy in order to modulate the intake of outside air.

To address the Mayor's recommendation, City Manager Gorland stated that he is sure that an energy consultant would be involved in the pool project; it might not be ConEdison, but if that were to happen it would be beneficial since there is a good working relationship with the firm. He said that the design for the new pool should be looked at for efficiency, not low cost, which happened with the Community Center.

City Attorney Seiden said that Council should contact the Administration before the next meeting to let them know their comments regarding the spreadsheet and once it is approved by Council, the program can begin. If Council has questions, they should be forwarded to Tammy Romero so that she can forward them to Mr. Henning and the answers can be forwarded to Council via email prior to the meeting.

Mayor Garcia commented that changing the light poles in the commercial areas had been a topic of discussion in the last four or five years and this did not happen for lack of funding. He is of the opinion that just because the light poles will not provide a savings that they should be eliminated from the list.

Councilman Lob moved to extend the meeting to 11:15 p.m. Councilman Windrem seconded the motion which was carried 5-0 on voice vote.

Mr. Henning said that Council may not have to wait until the next meeting to approve the ECM list because once they have the list and know what the program is they can look for financing.

Mayor Garcia informed Mr. Henning that Council must make the decision during a public meeting and the next meeting would take place in two weeks.

10L) Consideration of Council Participation in Miami-Dade County Days in Tallahassee - April 2 and 3, 2014

Mayor Garcia asked for the deadline to respond to Dade Days and the Acting City Clerk stated that applications must be received by Monday, March 3rd and there are no refunds.

Mayor Garcia confirmed that he would definitely attend and the other Councilmembers should let the Clerk know before the next Council meeting.

11. Other Business:

11A) Fiscal Year 2013-2014 First Quarter Budget Status Report (Unaudited)

Assistant City Manager/Finance Director William Alonso stated that there is one issue that came up during the first quarter in regard to the red light camera revenues that he would address under Agenda Item 11B.

11B) Red Light Revenue Budget Shortfall Discussion

Assistant City Manager/Finance Director William Alonso read his memorandum advising Council that the red light revenues for the current fiscal year are falling short of the budgeted amount. The budget was based on total net revenues of \$600,000, but as of the end of the first quarter, actual revenues were approximately \$82,400, resulting in a shortfall of \$200,000 to \$300,000 in current year revenues.

In discussions with Chief of Police Baan, he advised that the changes in the law regarding timing for yellow lights have led to less citations and he also advised that the upcoming roadway project on N. W. 36th Street will negatively impact future revenues.

Mr. Alonso said that a meeting was held with all Department Heads and they were asked to review their budgets and provide a listing of possible budget reductions that could reduce their budgets without a significant impact to the services for the residents.

Mr. Alonso provided a list of budget reductions totaling \$301,086 that is recommended to be implemented immediately. An additional \$37,000 was identified in reductions as the Administration continues to look for additional revenue enhancements and budget reductions. He said that as the year progresses and the revenues appear to approve, the reductions can be reassessed.

City Manager Gorland commented that some of the items require Council's approval, such as not filling the vacant Code Compliance position that will impact the business district. He feels that the eight recommendations totaling approximately \$300,000 is a solid list and with luck it could be less, but the project on 36th Street is expected to dramatically impact the revenues.

While the Administration has control over some of the expenses, the City Manager advised Council that they should focus on some of the other items on the list.

Assistant City Manager/Finance Director Alonso said that some of the items on the list have already realized a savings like # 7 for the City Clerk position and # 8 for the City Planner position. The new City Planner does not see a need for # 3 for the GIS System and the Public Works Director has agreed to put off # 4 for the Building Maintenance position until next year. Regarding # 6, the software is no longer required.

Mr. Alonso explained that #2 for unexpected repairs and # 5 for the Code Compliance position are for Council to consider.

Councilman Windrem was concerned about reducing funds for unexpected repairs and Mr. Alonso explained that there is \$10,000 remaining in the contingency as shown in # 3 at the bottom of the possible budget reductions.

Mr. Alonso reiterated that moving forward during the year if they identify other areas where funds can be saved they can always use those funds for an emergency repair.

Vice Mayor Bain referred to the vacant Code Compliance position. He asked if this was the same as the City Clerk situation and City Manager Gorland clarified that it is the same because the savings have already been realized.

Mayor Garcia commented that the City Clerk position was vacant for six months and the projected savings for the Building Maintenance position is based on not filling the position until next year.

Mayor Garcia asked if a vote or consensus is required to approve the list. He referred to the additional reductions at the bottom of the list and the \$20,000 that is budgeted for next year's election.

City Attorney Seiden informed Council that this is simply notification and it does not require a consensus.

Councilman Windrem moved to extend the meeting to 11:30 p.m. Councilman Lob seconded the motion which was carried 5-0 on voice vote.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

Happy Birthday

City Manager Gorland wished Assistant City Manager/Finance Director Alonso a happy birthday.

Ordinances

City Manager Gorland congratulated Council for approving the ordinances on first reading since they had been in the works for four years or longer.

City Events

City Manager Gorland announced that there are many events going on that are listed on the City's website, including an event at the Curtiss Mansion on Saturday, February 15th featuring music by Joe Donato.

12C) City Council

Apology

Councilman Petralanda stated that he is very passionate about his teaching profession and wants to protect the kids and he apologizes if his emotions offended anyone.

Happy Birthday

Councilman Windrem wished his father happy birthday.

Archery Tournament

Vice Mayor Bain announced that the State Archery Tournament is coming back to the Community Center on February 21 through February 23, 2014. Last year there were 120 shooters and this year they hope to double that number.

Tim Hawks

Vice Mayor Bain reported that he lost a good friend, Tim Hawks, who passed away this week. He was his friend since the first grade and he was always there when he called him. He offered his condolences to the family.

Tim Hawks

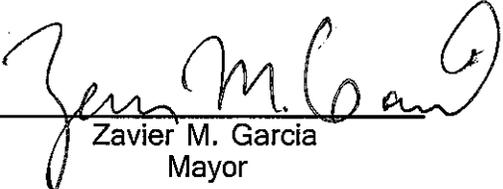
Mayor Garcia said that Tim Hawks was an incredible guy and one of the residents who welcomed him to political office.

Council Decisions

Mayor Garcia mentioned that a friend of his was in the hospital with a heart problem and he is only 36 years old. He said that Council should take things with a "grain of salt" when doing the job as an elected official. The decisions that Council makes are difficult and they are made in the best interest of the residents of Miami Springs. At the end of the day what is important is that we are healthy, our kids are healthy and we are above ground. There are much bigger problems and Council should not be at each other's throats for menial issues in the grand scheme of life. He thanked the residents for this opportunity.

13. Adjournment

There being no further business to be discussed the meeting was adjourned at 11:22 p.m.


Zavier M. Garcia
Mayor

ATTEST:


Suzanne S. Hittler, CMC
Acting City Clerk



Approved as written during meeting of: 02-24-2014

Transcription assistance provided by Elora R. Sakal.

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.